

UNAPPROVED

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 11, 2001**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Joan M. DuBois, Dranesville District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: John R. Byers, Mount Vernon District
Janet R. Hall, Mason District
John M. Palatiello, Hunter Mill District

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The meeting was called to order at 8:15 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Smyth MOVED THAT THE DECISION ONLY ON SE-01-P-019, CLIFTON PAUL AND NANCY CAROL CRAVEN, BE FURTHER DEFERRED TO A DATE CERTAIN OF NOVEMBER 29, 2001.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioners Byers, Hall and Palatiello absent from the meeting.

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Commissioner Wilson MOVED THAT THE DECISION ONLY ON ZONING ORDINANCE AMENDMENT (PLANT NURSERIES) BE FURTHER DEFERRED TO A DATE CERTAIN OF NOVEMBER 29, 2001.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Byers, Hall and Palatiello absent from the meeting.

Commissioner Wilson FURTHER MOVED THAT THE BOARD OF SUPERVISORS BE REQUESTED TO DEFER THEIR PUBLIC HEARING ON THIS CASE UNTIL AFTER THE PLANNING COMMISSION'S HEARING.

Commissioner Harsel seconded the motion which carried unanimously with Commissioners Byers, Hall and Palatiello absent from the meeting.

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Chairman Murphy noted that the Planning Commission would not meet on Wednesday, October 17, 2001.

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Commissioner Alcorn reminded Commissioners that the Development Criteria Review Committee would meet on Thursday, October 25, 2001 at 6:30 p.m. in the Board Conference Room. He noted that a representative of Tischler Associates would make a presentation on their preliminary study of a cash proffer system.

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RZ-2000-PR-052 - DECOROUS INCORPORATED (Decision Only)

(The public hearing on this application was held on June 21, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ-2000-PR-052, SUBJECT TO THE EXECUTION OF PROFFERS DATED OCTOBER 11, 2001, OPTION B.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Byers, Hall and Palatiello absent from the meeting.

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FSA-Y00-44-1 - XM SATELLITE RADIO, 4000 Legato Road

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FSA-Y00-44-1.

Commissioners Alcorn and Koch seconded the motion which carried unanimously with Commissioners Byers, Hall and Palatiello absent from the meeting.)

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FS-S01-45 - NEXTEL COMMUNICATIONS, 4643 West Ox Road

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S01-45.

Commissioners Wilson and Alcorn seconded the motion which carried unanimously with Commissioners Byers, Hall and Palatiello absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel noted that there was only one item on the agenda:

1. ZONING ORDINANCE AMENDMENT (Dry Cleaning Establishments)

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (Dry Cleaning Establishments) -

To amend Chapter 112 of the Code of the County of Fairfax, as follows:
Revisions to allow dry cleaning establishments with a maximum gross floor area from 1000 sq. ft. to 6000 sq. ft. by-right, with limitations, or by special exception, and/or to limit the use of or provide for the regulation of chlorinated solvents in the mechanical cleaning process, and to allow laundries/laundromats by-right, with limitations. PUBLIC HEARING.

Mr. Jack Reale, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of Alternative 2 which allowed a maximum of 6,000 square feet of gross floor area, with no prohibition on the types of solvents and/or machines used in the mechanical cleaning process.

Commissioner Alcorn noted that he would be deferring a decision on this matter at the close of the public hearing.

In response to a question from Commissioner Harsel, Mr. Reale compared the proposed alternatives with respect to the number of pickup stations, use of chlorinated solvents, and allowable gross and net square footage.

Responding to a question from Commissioner Moon, Mr. Reale said the rationale for limiting the number of pickup stations included traffic generation and the fact that most dry cleaners did not service more than five stores. Commissioner Moon pointed out that a pickup station would only generate two trips a day, one in the morning to pick up clothes and one in the afternoon to deliver them. He added that the amount of clothing that could be cleaned was limited by the number of machines in the plant and that he was not sure if a limitation should be placed on the number of pickup stations. Commissioner Moon noted that at the first public hearing on this matter on

May 31, 2001, a petition signed by 3,000-4,000 customers had been presented by Dry Clean Depot and said that that number of customers would generate a large volume of traffic.

Responding to a question from Commissioner Harsel, Mr. Reale said that drive-through cleaners would not be affected by the proposed Ordinance.

Commissioner Alcorn said that although other issues had been raised at the first public hearing, his recommendation on this matter would be based on land use issues alone. He noted that staff was of the opinion that existing regulatory programs addressed environmental issues.

Chairman Murphy called the first listed speaker and recited rules for testimony before the Commission.

Ms. Jin A. Jin, 12003 Golf Ridge Court, Fairfax, expressed opposition to the proposed Amendment, citing concerns about traffic, the environment and competition.

Mr. Yoon Lee, 10011 Scenic View Terrace, Vienna, said he was opposed to the proposed amendment. He said small businesses brought dynamics and vitality to the economy and to society.

Mr. Sang Park, 4803 Carriagepark Road, Fairfax, said he was opposed to a floor area of 6,000 square feet and the limit of five pickup stores.

In response to a question from Commissioner Smyth, Mr. Reale said no studies had been done on traffic generated by dry cleaning establishments. Ms. Eileen McLane, ZAD, DPZ, added that the Department of Transportation would be responsible for conducting such a study.

Grayson Hanes, Esquire, with ReedSmith, representing the Korean-American Drycleaners Association and Emanuel Stikas, pointed out that there were no representatives from Dry Clean Depot present at tonight's meeting in contrast to the large number who were present at the public hearing held in May. He said the reason for this was because an agreement had been reached whereby Mr. Carlos Cadenas, the owner of Dry Clean Depot, would be allowed to continue to operate his store and the pending litigation before the Supreme Court of Virginia would be dismissed. He said the Korean-American Drycleaners Association did not support Alternative 2 and was in favor of limiting the gross floor area to 3,000 square feet with larger establishments allowed in industrial districts. He proposed an alternative which would allow up to 5,000 gross square feet in the C-7 through C-9 districts, with special exception approval, as explained in his letter to the Planning Commission dated October 9, 2001. (A copy of this letter is in the date file.)

Commissioner Alcorn recognized the large number of members of the Korean-American Drycleaners Association who were present at tonight's meeting.

Responding to a question from Commissioner Kelso, Mr. Hanes said that he did not support a limitation being placed on the number of pickup stores.

In response to a question from Commissioner Harsel, Mr. Hanes reiterated his position that establishments in excess of 3,000 square feet might be appropriate in C-7 through C-9 Districts with special exception approval.

Responding to a question from Commissioner Wilson, Mr. Hanes said that his client had not taken a position on the size of an establishment allowed by-right or with special exception approval in a P District.

In response to a question from Commissioner Kelso, Mr. Reale said the alternative proposal suggested by Mr. Hanes was within the scope of the advertised proposed amendment.

Mr. Emanuel Stikas, White Star Cleaners, 3039 Graham Road, Falls Church, said that contrary to the position of staff that the use of perchloroethylene (perc) was addressed through existing regulatory controls, the Clean Air Act recommended but did not mandate maximum achievable control technology (MACT). He said the County might want to consider enacting legislation requiring MACT for chlorinated solvent machines, as other municipalities had begun to do.

Mr. Harold Pyon, 7903 Glenbarr Court, Fairfax Station, said he supported Mr. Hanes' alternative proposal that establishments be limited to 3,000 square feet in shopping centers, citing traffic and environmental concerns. He requested that the letter to the Chairman of the Board of Supervisors, Katherine Hanley, from Congressman Tom Davis, 11th District, dated June 20, 2001, supporting the position of the Korean-American drycleaner owners, be entered into the record. (A copy of this letter is in the date file.)

Mr. Phil Lee, President, Korean-American Drycleaners Association, expressed support for a limitation on the size of stores to less than 3,000 square feet. He presented the results of a random survey of 100 drycleaners showing the average number of customers daily, the peak hours they visited the store, and the number of garments processed. (A copy of his remarks is in the date file.)

Mr. Lee responded to a question from Commissioners Alcorn and Wilson about his position.

Dr. James Suh, 1297 Thompson Run Court, Vienna, supported the position of the Korean-American Drycleaners Association.

Ms. Myung Ja Oh, address unknown, said she had been the wife of a drycleaner owner for thirty years. She expressed support for a limitation of 3,000 gross square feet because it would encourage smaller establishments which were assets to the communities.

Mr. Sung Im, address unknown, owner of a drycleaners, said he was in favor of smaller stores and described how hard owners worked to make a living.

There were no further speakers. The Commission had no further comments or questions and staff had no closing comments, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Alcorn for action on this item. (A verbatim transcript is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON THE PROPOSED ZONING ORDINANCE AMENDMENT ON DRY CLEANERS, LAUNDRIES, PERSONAL SERVICE ESTABLISHMENTS AND GARMENT CLEANING ESTABLISHMENTS, TO A DATE CERTAIN OF OCTOBER 25, 2001.

Commissioner Wilson seconded the motion which carried unanimously with Commissioners Byers, Hall and Palatiello absent from the meeting.

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The meeting was adjourned at 9:44 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on:

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission